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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FLAVIO MORENO,  
  
Plaintiff,  
  
v.  
  
NEV. DEPT. CORR., et al.,  
  
Defendants.

ORDER  
Case No. 3:18-cv-00137-MMD-CBC

**DEFENDANTS' MOTION FOR  
ENLARGEMENT OF STAY**

Defendants, by and through counsel, Aaron Ford, Attorney General of the State of Nevada, and Dennis W. Hough, Deputy Attorney General, hereby move this Honorable Court an enlargement of the stay in this matter until one week following the yet-to-be-scheduled Early Mediation Conference. This motion is based on Fed. R. Civ. P. 6(b)(1), the following memorandum of points and authorities, and all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

This case is an inmate civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 4 at 1. Plaintiff, Flavio Moreno (Plaintiff), is an inmate in the custody of the Nevada Department of Corrections. *Id.* The events at issue in Plaintiff's complaint took place at Lovelock Correctional Center. *Id.*

The Court has not yet set the Early Mediation Conference.

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1 **II. DISCUSSION**

2 **A. Fed. R. Civ. P. 6(b)(1) allows this Court to extend deadlines.**

3 District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v.*  
4 *Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.  
5 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,  
7 for good cause, extend the time: (A) with or without motion or notice if  
8 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

9 “The proper procedure, when additional time for any purpose is needed, is to present to the  
10 Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented  
11 before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line*  
12 *Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such  
13 as an attorney’s “conflicting professional engagements” or personal commitments such as vacations,  
14 family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court  
15 deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.”  
16 *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D.Ohio 1947). The good cause standard considers a party’s  
17 diligence in seeking the continuance or extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d  
18 604, 609 (9th Cir. 1992).

19 **B. Good cause exists to enlarge the stay and allow the parties to continue settlement**  
20 **negotiations.**

21 In the present case, the 90-day stay expires before the date currently set for an Early Mediation  
22 Conference. It is appropriate that the Court’s timelines conform to the calendar realities.

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1 **III. CONCLUSION**

2 The Court should enlarge the time for stay until one week past the currently set Early  
3 Mediation Conference. The 90-day Stay should be enlarged to one week past the date of the Early  
4 Mediation Conference.

5 DATED this 24th day of July, 2019.

6 AARON D. FORD  
7 Attorney General

8 By:

  
9 DENNIS W. HOUGH, Bar No. 11995  
Deputy Attorney General

10 *Attorneys for Defendants*

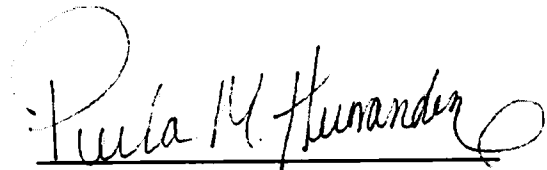
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12 **IT IS SO ORDERED**  
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14 **U.S. MAGISTRATE JUDGE**

15 DATED: 7/29/2019  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 24th day of July, 2019, I caused to be served a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF STAY**, by U.S. District Court CM/CFE Electronic Filing to:

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